



US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: SPK-2008-00268

Date: March 17, 2008

Comments Due: April 16, 2008

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to reconstruct the Great Salt Lake Mineral Corporation's water delivery canal project, which would result in impacts to approximately 22 acres of waters of the United States, including wetlands, in or adjacent to the Great Salt Lake. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Tom Burton  
765 North 10500 West  
Ogden, Utah 84404  
801-388-9220

**LOCATION:** The project site is located in the Great Salt Lake, Sections 11, 12, 14, 15 and 16, Township 7 North, Range 10 West, SLB&M, Box Elder County, Utah, and can be seen on the Hogup Ridge North and Gunnison Island Southwest USGS Topographic Quadrangles.

**PROJECT DESCRIPTION:** The applicant is proposing to relocate the southern portion of an existing water inlet canal which transports water from the North Arm of the Great Salt Lake to the solar evaporation pond complex located in Clyman Bay. In addition, the applicant is seeking to extend the length the north end of the canal. Based on the available information, the overall project purpose is to modify/reconstruct existing infrastructure. The applicant believes there is a need to extend and deepen the existing canal in order to ensure water can be conveyed to the evaporation ponds during low lake levels. Great Salt Lake Minerals pumps brine from the North Arm of the Great Salt Lake to fill the west evaporation ponds. With the recent drought conditions and resulting decrease in lake level, the applicant believes it is necessary to deepen and widen the existing inlet canal to provide adequate feed brine to the west evaporation ponds. The applicant also states that the portion of the canal that lies adjacent to the north dike of Solar Evaporation Pond 113 needs to be relocated approximately 200 feet north of its existing location to ensure structural stability of the pond's dike. The canal would be relocated by dredging the project area with backhoes and sidecasting the spoils on each side to creating a berm. The surface area that the dredge spoils berm would occupy is estimated to be 14.7 acres and the disturbed area that would be dredged would be approximately 7.3 acres.

Under related but separate actions, the applicant is also seeking to amend Department of the Army permit 199550289, which authorized construction of the original inlet canal in 1995 and is requesting an additional 33,000-acre solar evaporation pond expansion. The permit amendment request proposes to modify the portion of the canal adjacent to the north dike of Pond 113 by widening it by 40 feet and deepening it by 5 feet. The permit modification was proposed as an interim fix until the relocation action proposed in this public notice is authorized.

An Environmental Impact Statement (Corps identification number 200700121) is in process for the proposed 33,000-acre solar evaporation pond expansion. The applicant is seeking to construct three additional solar

evaporation ponds. One 8,000-acre pond is proposed to be constructed adjacent to the eastside facility in Bear River Bay. Two other ponds, 7,000 and 18,000 acres, are proposed to be constructed adjacent to the west pond complex located in Clyman Bay. If the 18,000-acre pond were authorized, the existing inlet canal would be located within the footprint of the proposed pond, requiring a new inlet canal to be constructed.

The attached drawings provide additional project details.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 22 acres of seasonally/sporadically inundated play lakebed within the project area. The site is characterized by seasonally/sporadically inundated playa lakebed on the north and east of the project boundaries. Existing solar evaporation ponds containing highly concentrated brine and salt covered bottoms are located to the south of the canal with arid, high elevation desert habitat containing sagebrush and grasslands located to the west. Due to the past drought conditions, the playa lakebed in the project area has been functioning predominantly as seasonally wet playa habitat but would be mostly inundated under normal lake levels.

Wildlife use in this area of the proposed project is largely unknown due to lack of data. However, Gunnison Island located approximately 4.2 miles to the east contains one of the few remaining white pelican colonies in North America. Additionally, snowy plover have been observed in the area nesting adjacent to the dikes and foraging in the seep areas located at or below normal lake levels.

**Alternatives.** The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has not proposed mitigation for the proposed impacts.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of Utah is required for this project. Comments regarding water quality issues may be submitted to Shelly Andrews at the Utah Division of Water Quality, 288 North 1460 West, PO Box 144879, Salt Lake City UT 84114-4870 or telephone 801-538-6516. Comments should be submitted to the Division by **April 16, 2008**.

**HISTORIC PROPERTIES:** The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

**ENDANGERED SPECIES:** The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act as there are no known species observed in the area nor is there any habitat species listed to occur in Box Elder County.

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably

foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice SPK-2008-00268 must be submitted to the office listed below on or before **April 16, 2008**.

Jason Gipson, Project Manager  
US Army Corps of Engineers, Sacramento District  
Bountiful Office  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010  
Email: [jason.a.gipson@usace.army.mil](mailto:jason.a.gipson@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Jason Gipson, 801-295-8380 x 14, [jason.a.gipson@usace.army.mil](mailto:jason.a.gipson@usace.army.mil).

Attachments: 3 drawings